

Remarks

Claims 1-15, 31, and 32 were previously pending in the application. After entry of the response Claims 1-15, 31, and 32 will remain pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejections 35 U.S.C. §103

Claims 13, 5, 7, 9, 31, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kurauchi et al. (U.S. Patent No. 6,323,921), herein referred to as “Kurauchi”, in view of Sawasaki et al. (U.S. Patent No. 6,836,308), herein referred to as “Sawasaki”, and further in view of Ogishima et al. (U.S. Publication No. 2004/0041963), herein referred to as “Ogishima”.

Claims 4, 6, 8, and 10-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kurauchi, Sawasaki, Nakajima et al. (U.S. Patent No. 6,317,187), herein referred to as “Nakajima”, and Ogishima as applied to Claims 3, 5, 7, and 9, and further in view of Yamada (U.S. Patent No. 6,140,988).

Of the above-referenced claims, Claim 1 is independent. Accordingly, once allowability of that claim is established, all claims depending therefrom are likewise allowable.

In rejecting Claim 1 the Examiner cited Ogishima as disclosing a light visual angle pattern disposed between the second transparent substrate and the common electrode and formed at a position corresponding to the pixel area so as to widen a visual angle of an image displayed by the liquid crystal display apparatus, the light visual angle pattern including a same material as the light blocking pattern, as recited in Applicants’ Claim 1.

Applicants submit that Ogishima is not a proper reference. In this regard, Ogishima is not a reference under 102(a) as the publication date of Ogishima (March 4, 2004) is after Applicants' foreign priority date of June 12, 2003. Ogishima is not a reference under 102(b) as the as the publication date of Ogishima (March 4, 2004) is after Applicants' US filing date of November 21, 2003. Finally, Ogishima is not a reference under 102(e) as the US filing date of Ogishima (August 27, 2003) is after Applicants' foreign filing date of June 12, 2003.

MPEP 2136.03 "Critical Reference Date"

35 U.S.C. 102(e) is explicitly limited to certain references "filed in the United States before the invention thereof by the applicant" (emphasis added). Foreign applications' filing dates that are claimed (via 35 U.S.C. 119(a)-(d), (f) or 365(a)) in applications, which have been published as U.S. or WIPO application publications or patented in the U.S., may not be used as 35 U.S.C. 102(e) dates for prior art purposes. This includes international filing dates claimed as foreign priority dates under 35 U.S.C. 365(a). Therefore, the foreign priority date of the reference under 35 U.S.C. 119(a)-(d) (f), and 365(a) cannot be used to antedate the application filing date. In contrast, applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date.

Applicants have provided herewith an English translation of Korean Patent Application No. 2003-0037835.

For at least this reason, Applicants respectfully submit independent Claim 1, and all claims depending therefrom are patentable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 50-5029. If the Examiner has any questions or concerns, a telephone call to the undersigned at (408) 331-1682 is welcomed and encouraged.

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